

# Wetlands Bureau Decision Report

Decisions Taken  
09/21/2009 to 09/27/2009

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2008-02176**

**TUCKER, DANIEL**

**BETHLEHEM Tributary To Ammonoosuc River**

### Requested Action:

Proposal to temporarily impact approximately 5,330 sq. ft. of perennial stream bed and bank and associated forested wetlands for removal of iron and manganese deposits within the stream. Work in the stream will consist of dewatering activities; installation of sediment, turbidity and erosion controls; removal of the deposits by hand and suction dredge; and restoration and stabilization of the stream with the placement of woody material and plantings.

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### APPROVE PERMIT:

Approval to temporarily impact approximately 5,330 sq. ft. of perennial stream bed and bank and associated forested wetlands for removal of iron and manganese deposits within the stream. Work in the stream will consist of dewatering activities; installation of sediment, turbidity and erosion controls; removal of the deposits by hand and suction dredge; and restoration and stabilization of the stream with the placement of woody material and plantings.

### With Conditions:

1. All work shall be in accordance with plans by Sanborn, Head & Associates, Inc., ("SHA") revision date July 30, 2009, and narratives as received by DES on August 26, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Waste Management Division.
4. This permit is contingent on approval by the DES Watershed Management Bureau.
5. The applicant shall coordinate with the New Hampshire Fish and Game Department for timing of the proposed work.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
7. The applicant shall obtain temporary construction easements or written permission from affected landowners outside of the applicant's property and shall supply copies to DES Wetlands File No. 2008-02176 prior to construction.
8. The applicant shall notify DES, the local conservation commission and the Ammonoosuc River LAC in writing of their intention to commence construction no less than 5 business days prior to construction.
9. Work shall be done during low flow.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau and in compliance with the DES Waste Management Division.
14. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
15. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
16. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
18. The proposed site work and stream restoration shall be monitored by a New Hampshire Certified Wetland Scientist ("CWS") and by a New Hampshire Licensed Professional Engineering through completion of the project and final stabilization.
19. The CWS shall prepare and submit monthly monitoring reports during construction with a follow-up report following each of the next two full growing seasons. The reports shall include the status of the project, success of the restoration and stabilization and schedule for remedial actions if necessary.
20. Wetlands and stabilization plantings shall have at least 75% successful establishment after two (2) growing seasons, or it shall be

replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.

21. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access construction.
22. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
23. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
24. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
25. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks. For intermittent streams, the distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by assuming the lengths of disturbances to the channel and the banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The DES Watershed Management Bureau provided comments (e-mail dated July 13, 2009) in support of the proposed remediation action because removal of the iron bacteria deposits will help fix the water quality impairment of the Ammonoosuc River.
6. The proposed remediation action is supported by DES Waste Management Bureau and is in response to a condition of the Groundwater Management and Release Detection permit, DES #19870433, issued to the applicant by DES on November 10, 2002.
7. The applicant received correspondence from the DES Solid Waste Management Bureau, dated August 3, 2006, supporting the proposed cleanup methods because the iron and manganese concentration trends have continued to decrease at the site.
8. The Bethlehem Conservation Commission submitted multiple comments regarding the proposed project, see file, documents received by DES November 13, 2008.
9. DES included the comments in its Request for More Information ("RFMI") dated December 23, 2008, see file.
10. The applicant responded to the RFMI and comments on February 17, 2009. The applicant copied the response to the Town of Bethlehem.
11. As a result of DES site walk and RFMI the applicant submitted revised plans and narratives, revised through and received on August 26, 2009.
12. The applicant has indicated that they have provided the revised plans and narratives to DES Waste Management Division, DES Watershed Management Bureau, New Hampshire Fish and Game Department, Ammonoosuc River Local Advisory Committee, United States Army Corps of Engineers, United States Fish and Wildlife Service, United States Environmental Protection Agency and the National Oceanic and Atmospheric Administration.
13. DES Wetlands Bureau has not received any additional comments from the DES Waste Management Division, DES Watershed Management Bureau and has not received any comments from the remaining aforementioned agencies/departments.
14. The applicant has been in contact with the United States Forest Service ("USFS") for use of their property for access to the site. Staff from the USFS was at the site walk conducted on April 4, 2009.
15. The applicant/agent has been in contact with the DES Alteration of Terrain Program regarding a waiver of the Alteration of Terrain permit that is needed for work on a steep slope.
16. The applicant/agent has moved the temporary upland dredge and fill impacts outside of the 250 ft. shoreland protection zone. The remaining impacts within the shoreland zone are within jurisdictional wetlands and surface waters and are permitted through the wetlands permit.
17. This approval is contingent on and compliance with the DES Alteration of Terrain Program, the DES Waste Management Division, the DES Watershed Management Bureau and the Comprehensive Shoreland Protection Act, RSA 483-B.
18. DES Wetlands Bureau has not received any additional comments from the Town since the applicant's response.
19. DES Wetlands Bureau has not received any other Town or public comments regarding the proposed project.
20. DES Wetlands Bureau staff conducted a field inspection of the proposed project on April 4, 2009. The staff's main concern was how the removed woody material will be replaced in order to stabilize the stream channel.

21. The applicant has revised the project plan to include addition of woody material in the stream restoration design.
22. In accordance with Administrative Rule Env-Wt 302.03(c)(d), the applicant is not required to provide compensatory mitigation for the temporary impacts.
23. The proposed work within the jurisdiction of the DES Wetlands Bureau are temporary impacts to a perennial stream that does not provide for fish passage and is likely to provide only limited if any passage for other aquatic organisms due to the steepness of the slope and stream and the fact that it is a relatively short stream created from a side slope seep.
24. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

**2009-00175                      NH FISH & GAME DEPARTMENT**  
**NEWMARKET   Newmarket Prime Wetland**

**Requested Action:**

Retain installation, as authorized by DES Emergency Authorization dated 2/19/2009, of 3 pairs (total of 6 wells) of monitoring wells as directed by NHDES Waste Management Division in Newmarket Designated Prime Wetlands Tuttle Swamp and Ash Swamp.

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**APPROVE PERMIT:**

retain installation, as authorized by DES Emergency Authorization dated 2/19/2009, of 3 pairs (total of 6 wells) of monitoring wells as directed by NHDES Waste Management Division in Newmarket Designated Prime Wetlands Tuttle Swamp and Ash Swamp.

**With Conditions:**

1. All work shall be in accordance with plans by CMA Engineers dated 2009, as received by DES on 4/14/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. A land resource professional shall inspect the project to insure compliance with approved plans and permit conditions prior to completion of the project. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau prior to the end of the 2009 growing season.

**With Findings:**

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. An Emergency Authorization was issued on 2/19/2009, to allow installation under frozen conditions of 3 pairs (total of 6 wells) of monitoring wells, as directed by NHDES Waste Management Division, in Newmarket Designated Prime Wetlands Tuttle Swamp and Ash Swamp.
3. A Prime Wetlands public hearing was held on the after-the-fact application on 7/13/2009.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The purpose of the well installations is to monitor groundwater movement of 1,4 dioxane, a serious public health threat, from the now-closed Newmarket Landfill, outward toward 39 private drinking water wells in the vicinity.
5. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The work was confined to hand installation of groundwater monitoring wells.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project. None of the species reported by the NH Natural Heritage Bureau as occurring in the greater project area were affected by the project.
7. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
8. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, water treatment system and maintenance program offsets impact from any increased runoff created by the development.
9. Based on findings #1-8 above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.

**2009-00185 WESTON REVOC TRUST, SHARON**  
**NEW CASTLE Piscataqua River**

Requested Action:

Construct a 6 ft. x 122 ft. fixed timber pier, with 3 sets of dolphins (3-piling clusters) at the three seaward piling locations for ice protection, to a 3 ft. x 50 gangway landing on a 10 ft. x 40 ft. floating dock on 190 feet of shoreline frontage on the Piscataqua River.

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Conservation Commission/Staff Comments:

The New Castle Conservation Commission intervened on this application on March 9, 2009 to conduct a site walk. No follow-up report or comments were received.

APPROVE PERMIT:

Construct a 6 ft. x 122 ft. fixed timber pier, with 3 sets of dolphins (3-piling clusters) at the three seaward piling locations for ice protection, to a 3 ft. x 50 gangway landing on a 10 ft. x 40 ft. floating dock on 190 feet of shoreline frontage on the Piscataqua River.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated 01/28/09 (revised 02/28/09), as received by DES on July 30, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff and the New Castle Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
5. The decking of the dock shall have a minimum of 6 feet clearance from the surface of the tidal marsh and shall have 3/4-inch spacing between the decking planks.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a); projects in tidal wetlands
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on April 28, 2009. Field inspection determined the 6 foot wide X 122 long fixed pier as proposed w/ dolphin clusters on the last 3 bents for ice protection is recommended due to the strong currents of the Piscataqua River and ice flows experienced at this location.
6. The Chief Harbor Master for the Pease International, Division of Ports and Harbors reports: "We examined the proposed site and found that the project would have no negative effect on navigation in the channel."

-Send to Governor and Executive Council-

**2009-02051 CHARLESTOWN, TOWN OF**  
**CHARLESTOWN Tributary To Little Sugar River**

Requested Action:

Dredge and fill  $\pm$  360 sq. ft. of unnamed perennial stream at Unity Stage Rd. to replace a failed 36-inch x 67-foot CMP with a 48-inch x 80-foot HDPE culvert and stabilize failed roadside slope and restore stream channel.

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**APPROVE PERMIT:**

Dredge and fill  $\pm$  360 sq. ft. of unnamed perennial stream at Unity Stage Rd. to replace a failed 36-inch x 67-foot CMP with a 48-inch x 80-foot HDPE culvert and stabilize failed roadside slope and restore stream channel.

**With Conditions:**

1. All work shall be in accordance with plans by Darrow Civil Engineering, PLLC dated July 14, 2009, and revised through September 21, 2009, as received by the Department on September 22, 2009.
2. Work shall be done annual low flow conditions.
3. In the event there is flow at the time of construction a stream diversion plan shall be submitted to the department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Culverts shall be laid at original grade.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Materials used to emulate a natural channel bottom in restoration areas must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
18. The channel at the culvert inlet and outlet must maintain the natural and a consistent streambed elevation and not impede stream flow.
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
22. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
23. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
24. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
25. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
26. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The North Charlestown Reservoir Dam (#41.04) removal is upstream of this slope and culvert failure; see NH DES Wetlands Bureau File No. 2009-00599. This file documents naturally occurring waterfalls along this perennial stream that prohibit fish passage.
3. The submitted drainage analyses confirm the existing and proposed culverts freely pass the 100 year storm.
4. The original proposal was revised to include natural type rounded stone in the stream channel. Also, shrub plants along the channel will be added where feasible.
5. The proposed repairs are required to protect Unity Stage Road.
6. The Natural Heritage Bureau (NHB) review determined that the project was not expected to any NHB records in the area.
7. The applicant has received written consent from the owners of lots 45, 48 and 50 (tax map 20), abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
8. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
9. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
10. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**MINOR IMPACT PROJECT**

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**2009-00152                      NEW HAMPSHIRE NATIONAL GUARD, GEORGE SPAULDING  
STRAFFORD   Unnamed Wetland**

Requested Action:

Fill a total of 7,501 sq. ft. of wetlands and surface waters in five locations for construction of a combat trail for training, including the following: Wetland Impact #1: 1,150 sq. ft. and installation of 36 in. x 29 ft. long embedded culvert for combat trail crossing; Wetland Impact #2: 2,550 sq. ft. and installation of 36 in. x 29 ft. long embedded culvert for combat trail crossing; Wetland Impact #3: 1,240 sq. ft. and installation of 36 in. x 29 ft. long embedded culvert for combat trail crossing; Wetland Impact #4: 1,450 sq. ft. and installation of 36 in. x 35 ft. long embedded culvert for combat trail crossing; Wetland Impact #5: 1,111 sq. ft. and installation of 36 in. x 32 ft. long embedded culvert for combat trail crossing.

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APPROVE PERMIT:

Fill a total of 7,501 sq. ft. of wetlands and surface waters in five locations for construction of a combat trail for training, including the following: Wetland Impact #1: 1,150 sq. ft. and installation of 36 in. x 29 ft. long embedded culvert for combat trail crossing; Wetland Impact #2: 2,550 sq. ft. and installation of 36 in. x 29 ft. long embedded culvert for combat trail crossing; Wetland Impact #3: 1,240 sq. ft. and installation of 36 in. x 29 ft. long embedded culvert for combat trail crossing; Wetland Impact #4: 1,450 sq. ft. and installation of 36 in. x 35 ft. long embedded culvert for combat trail crossing; Wetland Impact #5: 1,111 sq. ft. and installation of 36 in. x 32 ft. long embedded culvert for combat trail crossing.

With Conditions:

1. All work shall be in accordance with revised plans by The Louis Berger Group, Inc. dated August 6, 2009, as received by the Department on August 27, 2009.
2. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.

3. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Silt fencing must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(f), alteration of less than 20,000 square feet of non-tidal wetlands in the aggregate that exceed the criteria for minimum impact projects.
2. The need for the proposed impacts has been addressed by the applicant per Env-Wt 302.01(b) by demonstrating that the proposal must cross wetlands at some locations on this property to construct the trail for training and to connect the Training Center with Johnsonboro Road (Class VI) for safety, fire and security purposes.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction per Env-Wt 302.03 by designing the proposed roadway in primarily the most narrow sections of wetland.
4. NH Natural Heritage Inventory (NHI) has record of the natural community Black gum - red maple basin swamp within the vicinity of this project. Threats are primarily logging and change to local hydrology either through damming or increased drainage. The applicant's agent has located the trail away from the red maple basin swamp and designed the size of the culverts for a 50 year storm which is not likely to significantly affect the drainage in the area over what currently exists. NHI also has record of the State and Federally threatened small whorled pogonia within the project vicinity. The U.S. Fish & Wildlife Service determined that the project is not likely to adversely affect this species.
5. The NH Division of Historical Resources (DHR) reviewed the proposed project to identify potential effects to historic and archeological resources listed, or eligible for listing, in the National Register of Historic Places. The project entails removal of approximately 8 ft. of stone wall to allow for emergency access/egress to the combat trail. DHR requested that the excess stone be placed in the vicinity of the stone wall rather than removed from the site.

**2009-00210                      TROY WATER AND SEWER COMMISSION**  
**JAFFREY   Fassett Brook**

Requested Action:

Dredge and fill ± 400 sq. ft. of Fassett Brook to replace temporary twin 48-inch culverts with a 8-foot x 5.6-foot x 15-foot embedded box culvert for access to a small groundwater withdrawal well.

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**APPROVE PERMIT:**

Dredge and fill  $\pm$  400 sq. ft. of Fassett Brook to replace temporary twin 48-inch culverts with a 8-foot x 5.6-foot x 15-foot embedded box culvert for access to a small groundwater withdrawal well.

**With Conditions:**

1. All work shall be in accordance with plans by James J. Donison dated August 24, 2009, as received by the Department on August 31, 2009.
2. Work shall be done during low flow conditions.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
9. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
10. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
15. The recreated stream channel bed must maintain the natural and a consistent streambed elevation and not impede stream flow.
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
20. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
21. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
22. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
23. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(I), alteration of less than 200 linear feet of perennial stream.
2. See related file 2006-00080.
3. The Conservation Commission signed the originally submitted Minimum Impact Expedited Application.
4. No comments were submitted from the Natural Heritage Bureau.
5. The Applicant revised the original proposal to retain the previously approved temporary culverts to include installation of an

8-foot embedded box culvert.

6. The submitted drainage report confirms the proposed culvert will freely pass the 100-year storm.
7. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-00599                      CHARLESTOWN, TOWN OF**  
**CHARLESTOWN   Little Sugar River**

**Requested Action:**

Confirm emergency authorization issued on April 10, 2009, to impact 700 sq. ft. of an unnamed perennial tributary to the Little Sugar River/North Charlestown Reservoir to remove a 50-foot section of the North Charlestown Dam (No. 041.04).

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**CONFIRM EMERGENCY AUTHORIZATION:**

Confirm emergency authorization issued on April 10, 2009, to impact 700 sq. ft. of an unnamed perennial tributary to the Little Sugar River/North Charlestown Reservoir to remove a 50-foot section of the North Charlestown Dam (No. 041.04).

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of a perennial nontidal stream or river channel or its banks.
2. In correspondence dated March 30, 2009, the NHDES Dam Bureau indicated the North Charlestown Reservoir Dam (No. 041.04) was upgraded to the hazard classification of low hard due to downstream conditions.
3. The NHDES Wetlands Bureau issued an Emergency Authorization on April 10, 2009, to remove an approximately 50-foot section of the dam.
4. As required by the Emergency Authorization a Standard Dredge and Fill Application was received on May 22, 2009.
5. No comments were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
6. In email correspondence dated April 13, 2009, the NHFG Fisheries Division stated fish passage at this location is not a concern due to naturally impassable waterfalls immediately downstream of the dam.
7. In correspondence received August 03, 2009, the Town confirmed areas downstream of the dam breach were stable.
8. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
9. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
10. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-00755                      SUGAR HILL, TOWN OF**  
**SUGAR HILL   Indian Brook**

**Requested Action:**

Impact 794 square feet (172 linear feet) of the bed and banks of Indian Brook, a perennial stream, for the replacement of an existing 10 foot wide concrete bridge with a 10 foot span, 3 sided, pre-cast concrete bridge structure. There will be 515 square feet of permanent impacts for the bridge; 149 square feet of temporary impacts in the immediate vicinity of the bridge during construction; 130 square feet of temporary impacts for water diversion and the installation of a cofferdam.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 794 square feet (172 linear feet) of the bed and banks of Indian Brook, a perennial stream, for the replacement of an existing 10 foot wide concrete bridge with a 10 foot span, 3 sided, pre-cast concrete bridge structure. There will be 515 square feet of

permanent impacts for the bridge; 149 square feet of temporary impacts in the immediate vicinity of the bridge during construction; 130 square feet of temporary impacts for water diversion and the installation of a cofferdam.

With Conditions:

1. All work shall be in accordance with plans by Lobdell Associates, Inc. entitled: Indian Brook Bridge Replacement dated April, 2009 as received by DES on April 23, 2009.
2. The natural stream channel bottom shall be maintained.
3. Work shall be done during low flow.
4. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
8. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
9. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
10. All equipment shall work from adjacent banks or uplands and shall not enter flowing water.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Temporary impacts areas shall be restored to existing conditions. These areas shall be monitored and remedial actions taken if necessary.
13. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
14. Remedial actions shall be scheduled if the restoration of the temporarily disturbed jurisdictional areas is not successful. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
22. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a Minor Project per Administrative Rule Env-Wt 303.03 (l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. All temporary impacts will be restored to the existing conditions.

6. The department received written agreement from the property owner and abutter, within twenty feet of the project, concurring with the project and granting permission for temporary water diversion on their property.
7. The easement holder is aware and approves of the project.
8. The NHFG Nongame and Endangered Species Program reviewed the design.
9. No comments were submitted from the NH Natural Heritage Bureau or the Sugar Hill Conservation Commission.

**2009-01364                      HARRISVILLE, TOWN OF**  
**HARRISVILLE   Skatutakee Lake**

**Requested Action:**

Dredge and fill  $\pm$  335 sq. ft. of Skatutakee Lake bank to construct a prefabricated super structure on existing bridge abutments at Hancock Road, repair abutments, extend downstream abutments 5 feet to allow for sidewalk/fishing platform and upgrade road/drainage.

\*\*\*\*\*

**APPROVE PERMIT:**

Dredge and fill  $\pm$  335 sq. ft. of Skatutakee Lake bank to construct a prefabricated super structure on existing bridge abutments at Hancock Road, repair abutments, extend downstream abutments 5 feet to allow for sidewalk/fishing platform and upgrade road/drainage.

**With Conditions:**

1. All work shall be in accordance with plans by Holden Engineering (sheet 3 & 4 of 18) dated June 22, 2009, and revised through September 17, 2009, as received by the NHDES Wetlands Bureau on September 22, 2009 and temporary erosion control measures plan dated June 22, 2009, as received by the NHDES Wetlands Bureau on June 29, 2009.
2. At least 7 calendar days prior to the start of construction, a pre-construction meeting shall be held with the NHDES Watershed Management Bureau staff at the project site or at the NHDES Office in Concord, NH to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
3. The Applicant shall schedule weekly erosion control meetings with the NHDES Watershed Management Bureau throughout construction. It shall be the responsibility of the permittee to schedule the erosion meetings.
4. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
5. Work shall be done during low flow conditions.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. There shall be no excavation or operation of construction equipment in flowing water.
11. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
13. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.

15. Temporary cofferdams shall be entirely removed immediately following construction.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
21. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
22. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
23. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
24. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), Projects that disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.02.
2. See related NHDES Shoreland Permit, 2009-01340.
3. Abutter concerns related to the proposed road upgrades and drainage improvements were received on July 20, 2009.
4. In correspondence received September 22, 2009, the Agent indicated they had met with the concerned abutter to address concerns and also have revised plans.
5. The concerned abutter has signed an easement deed allowing the proposed work.
6. In correspondence received July 06, 2009, the Harrisville Conservation Commission expressed support for the project.
7. The Applicant has coordinated with the NHDES Watershed Management Bureau to address their concerns.
8. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
9. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the NHDES Wetlands Bureau jurisdiction per Env-Wt 302.03.
10. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), requirements for Application Evaluation, has been considered in the design of the project.

**2009-01432                      NOTTINGHAM, TOWN OF**  
**NOTTINGHAM   Back Creek**

Requested Action:

Remove existing under-sized culvert and associated overflow culvert, and replace with a 20' wide x 10' high x 25' long box culvert with buried, naturalized bottom, impacting a total of 2,716 sq. ft. (151 linear ft.) of stream, including 1,326 sq. ft. of temporary impact, and 1,390 sq. ft. of permanent impact.

\*\*\*\*\*

APPROVE PERMIT:

Remove existing under-sized culvert and associated overflow culvert, and replace with a 20' wide x 10' high x 25' long box culvert with buried, naturalized bottom, impacting a total of 2,716 sq. ft. (151 linear ft.) of stream, including 1,326 sq. ft. of temporary impact, and 1,390 sq. ft. of permanent impact.

With Conditions:

1. All work shall be in accordance with plans by Hoyle Tanner Associates dated 6/2009, as received by DES on 7/2/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

3. This permit is contingent upon receipt, review, and approval by DES of the contractor's proposed dewatering plan.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
7. Temporary cofferdams shall be entirely removed immediately following construction.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
9. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
10. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
12. Faulty equipment shall be repaired prior to entering jurisdictional areas.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that disturb less than 200 linear ft. of perennial stream banks and channel.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing culvert is undersized and deteriorated, and in need of replacement.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. The NH Natural Heritage Bureau ("NHB") stated that although there were species of concern as occurring within the project vicinity, the NHB did not expect any impacts to those species as a result of the project.
5. The Nottingham Conservation Commission did not report.
6. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

**2009-01457                      DERRY, TOWN OF**  
**DERRY   Unnamed Wetland Unnamed Stream**

Requested Action:

Temporary impacts to 6,917 sq. ft. of palustrine forested/ scrub-shrub wetlands containing a seasonal stream within an existing, previously disturbed utility easement to install a waterline connection between Ashleigh Drive and Olde Coach Road and construct two stone-lined swales.

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Conservation Commission/Staff Comments:

No comments were received from the Derry Conservation Commission regarding this application.

**APPROVE PERMIT:**

Temporary impacts to 6,917 sq. ft. of palustrine forested/ scrub-shrub wetlands containing a seasonal stream within an existing, previously disturbed utility easement to install a waterline connection between Ashleigh Drive and Olde Coach Road and construct two stone-lined swales.

**With Conditions:**

1. All work shall be in accordance with plans by Town of Derry, Engineering Division dated 06/06/09, as received by DES on July 08, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. Area shall be regraded to original contours following completion of work.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.
6. Wetland replication of disturbed areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-01734                      NEW DURHAM, TOWN OF**  
**NEW DURHAM   Ela River**

**Requested Action:**

Impact 2,160 sq. ft. (170 linear ft. of banks and channel) of the Ela River to replace under-sized, flood-prone twin 60" culverts with a 18' wide x 6' high x 60' long over-sized box culvert, with a round river stone naturalized stream bed bottom in the Ela River.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 2,160 sq. ft. (170 linear ft. of banks and channel) of the Ela River to replace under-sized, flood-prone twin 60" culverts with a 18' wide x 6' high x 60' long over-sized box culvert, with a round river stone naturalized stream bed bottom in the Ela River.

**With Conditions:**

1. All work shall be in accordance with plans by CMA Engineers dated 8/4/2009, as received by DES on 8/5/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent upon receipt, review, and approval by DES of the contractor's proposed dewatering plan.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
7. Temporary cofferdams shall be entirely removed immediately following construction.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam

is fully effective, confined work can proceed without restriction.

9. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.

10. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.

12. Faulty equipment shall be repaired prior to entering jurisdictional areas.

13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that disturb less than 200 linear ft. of perennial stream banks and channel.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing culvert is undersized and deteriorated, and in need of replacement.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring within the project vicinity.

5. The New Durham Conservation Commission did not report.

**MINIMUM IMPACT PROJECT**

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**2004-01013                      NATIONAL GYPSUM CO**  
**PORTSMOUTH   Piscataqua River**

Requested Action:

Request to waive Rule Env-Wt 502.01, Duration of Permit, to extend permit 2004-1013 by three months, to allow completion of repair of center berthing cell and its hose tower, which handles off-loading of petroleum from ships.

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APPROVE AMENDMENT:

Repair 24' diameter center berthing cell and associated off-loading hose tower structure.

Waive Env-Wt 502.01, Duration of Permit, and extend permit expiration date by three months, from 8/7/2009 to 11/7/2009.

With Conditions:

1. All work shall be in accordance with plans by Appledore Engineering, Inc. dated May 2004, as received by the Department on May 21, 2004.

2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

3. Repairs shall maintain existing size, location and configuration.

4. NH DES Coastal staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:



1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), maintenance or repair of docking structures.
2. Approval of the time extension benefits public health and safety by allowing completion of the repairs to the cell, ensuring safe berthing and petroleum handling within the estuary.
3. Pursuant to Env-Wt 204.04(a)(1), DES finds that granting this waiver request will not have an adverse effect to the environment or natural resources of the state, public health or public safety, or have more significant impact on abutting properties than would result from complying with the rule.
4. Pursuant to Env-Wt 204.04(a)(2), DES finds that granting the request is consistent with the intent and purpose of the rule being waived: in this case the project was nearly completed before the permit expiration date, and that strict compliance with the rule will provide no benefit to the public and will cause an economic hardship to the applicant, and create a potential public and environmental hazard.

**2008-00822                      SWISS VIEW CONDOS**  
**BRISTOL   Newfound Lake**

Requested Action:

Retain 76 linear feet of fence, add 16 linear feet of fence, remove 20 linear feet of fence near the western property line on Newfound Lake, Bristol.

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Conservation Commission/Staff Comments:

No comments from Con Com by Sept 24, 2008

APPROVE PERMIT:

Retain 76 linear feet of fence, add 16 linear feet of fence, remove 20 linear feet of fence near the western property line on Newfound Lake, Bristol.

With Conditions:

1. All work shall be in accordance with plans by Granite State Surveying dated August 08, 2007, modified by others as received by DES on August 21, 2009.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. The 20 feet of fence shall be removed within 30 days of the issuance of this permit.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum by the Department based on the degree of environmental impact.

**2008-02537                      FRANCISCO, CRAIG**  
**WEARE   Unnamed Wetland**

Requested Action:

Deny permit request to dredge and fill  $\pm$  30 linear feet of intermittent stream and  $\pm$  2,050 of associated palustrine forested wetlands to install a 60-inch x 20-foot CPP culvert and 24-inch x 20-foot CPP culvert for driveway access an existing single family lot of record.

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DENY PERMIT:

Deny permit request to dredge and fill  $\pm$  30 linear feet of intermittent stream and  $\pm$  2,050 of associated palustrine forested wetlands to install a 60-inch x 20-foot CPP culvert and 24-inch x 20-foot CPP culvert for driveway access an existing single family lot of record.

With Findings:

Standards for Approval:

1. This is a minimum impact project per Administrative Rule Env-Wt (n), projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks; and Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Env-Wt 302.01.
4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.
6. Pursuant to Rule Env-Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, if the applicant proposes unnecessary destruction of wetlands, or if the project would cause or contribute to significant degradation of waters of the state.
7. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.

Findings of Fact:

1. A Standard Dredge and Fill Application was received on November 21, 2008.
2. The application was deemed administratively incomplete on November 25, 2008, for lack of submittal of Natural Heritage Bureau (NHB) information
3. The NHB information was submitted and application deemed complete on December 01, 2008.
4. The Piscataquog River Local Advisory Committee (PRLAC) was notified of the project via letter dated December 05, 2009.
5. The NH Division of Historical Resources confirmed no historic resources would be affected by the project in correspondence received December 10, 2008.
6. PRLAC comments dated December 15, 2008, questioned the wetland delineation.
7. A Request for More Information (RFMI) dated February 04, 2009, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2008, requiring the applicant to submit additional information to DES within 60 days of the request.
8. The February 04, 2009, RFMI requested clarification and additional information pursuant to Env-Wt 304.09, lots of record, proposed subdivision, and existing upland access to the lot, including the variance request submitted to the Town of Weare.
9. A response to the February 04, 2009, RFMI was received on February 20, 2009.
10. In correspondence dated March 17, 2009, DES clarified and requested outstanding items relative to the Town of Weare variance request and upland access to the lot. Given upland access to the lot exists DES requested additional stream information and an upgraded crossing. DES also requested culvert sizing information and clarification of methods of offset construction in the 100-year floodplain.
11. A response to the March 17, 2009, letter was received on April 03, 2009.
12. The April 03, 2009, response addressed some items of the March 17, 2009, letter and revised the wetland delineation to include a greater portion of the lot and increase the proposed impacts to wetlands.
13. A meeting was held at DES with the Applicant and Agent. Information previously requested by DES was discussed and clarified and DES informed the Agent and Applicant the revision to the proposed wetland impacts may meet the criteria of a significant amendment pursuant to RSA 482-A:3 XIV(e).
14. In correspondence dated April 30, 2009, DES confirmed the proposed amendment to the wetland impacts submitted in the April 06, 2009, response did meet the criteria of a significant amendment and DES requested items outlined in the March 17, 2008 RFMI.

15. A response received May 07, 2009, provided information required for a significant amendment, narrative response to the March 17, 2008, RFMI and drainage calculations.
16. A RFMI dated June 30, 2009, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2008, requiring the applicant to submit additional information to DES within 60 days of the request.
17. The June 30, 2009, RFMI outlined concerns for the proposed size of the culvert given drainage calculations indicate the proposed culvert would only freely pass flows under a 25-year storm. DES clarified that undersized structures in the vicinity of the project is not justification for the installation of another undersized structure. DES emphasized concern for appropriate culvert sizing given the subject stream and wetland flow to a Piscataquog River segment designated as a natural river and that impacts will occur in a 500 foot designated prime wetland buffer and in the 100-year floodplain. DES requested an upgraded culvert. DES also requested additional stream type and width information to justify the proposal.
18. A response to the June 30, 2009, RFMI was received on August 29, 2009.
19. The August 29, 2009, Agent response stated DES has no formal rules in place to dictate the formal design of wetland crossings or drainage specifications for storm events and that they felt the Applicant had gone above and beyond the design specification of up and downstream structures. Drainage calculations were referenced, intermittent stream classification confirmed and top-of-bank width provided.

Findings in Support of Denial:

1. The applicant has not addressed Env-Wt 302.01(b), to the Department's Satisfaction, and therefore is denied in accordance with Env-Wt 302.04(d)(3), as the project causes unnecessary destruction of wetlands.
2. The applicant failed to address Env-Wt 302.03(a) and Env-Wt 302.04(b)(5), and therefore is denied in accordance with Env-Wt 302.04(d)(1), as there may be practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
3. The applicant has failed to address Env-Wt 302.04(b)(3), and therefore is denied in accordance with Env-Wt 302.04(d)(2) as the project would cause or contribute to significant degradation of waters of the state.

**2009-00796                      GOODMAN, PETER**  
**GREENLAND   Unnamed Wetland**

Requested Action:

Fill 2,905 sq. ft. of palustrine scrub-shrub wetland for the purpose of widening the existing driveway to create parking and a turning radius on a single family residential lot of 2.091 acres.

\*\*\*\*\*

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny application to fill 2,905 sq. ft. of palustrine scrub-shrub wetland for the purpose of widening the existing driveway to create parking and a turning radius on a single family residential lot of 2.091 acres.

With Findings:

1. A request for additional information dated July 17, 2009, addressed to the applicant, clearly identified changes made to RSA 482-A:3, XIV(a)(2), requiring the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV9(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2009-01360                      BETZ, CHARLENE & M SCHINDEWOLF**  
**HOPKINTON**

Requested Action:

Proposal to dredge and fill approximately 400 sq. ft. of wetlands/ditch line within a previously disturbed area for a new driveway access/exit and access for future utility line maintenance. Work in wetlands consists of installation of a 15 in. x. 17 ft. culvert,

headwalls and associated filling and grading.

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**APPROVE PERMIT:**

Dredge and fill approximately 400 sq. ft. of wetlands/ditch line within a previously disturbed area for a new driveway access/exit and access for future utility line maintenance. Work in wetlands consists of installation of a 15 in. x. 17 ft. culvert, headwalls and associated filling and grading.

**With Conditions:**

1. All work shall be in accordance with plans by Pellettieri Associates, Inc., revision date June 11, 2009, as received by DES on June 26, 2009.
2. This permit is contingent on approval by the Town of Hopkinton for the additional driveway access and associated impacts.
3. The proposed culvert shall be installed to match the natural grade elevation of the existing ditch line.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Silt fencing must be removed once the area is stabilized.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant's agent has indicated that the access is needed to address site distance issues entering onto Hutchins Hill Road and to provide an access area for future maintenance of the existing utility line.
6. The applicant's agent indicated that the proposed wetland impact area was disturbed approximately 25 years ago for installation the utility line.

**2009-01536                      VERVERIDIS, ELIAS**  
**NORTHWOOD   Unnamed Wetland**

**Requested Action:**

Dredge and fill 798 sq. ft. of wetlands for installation of a 15" x 16' driveway culvert and water line to access house lot well site.

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**APPROVE PERMIT:**

Dredge and fill 798 sq. ft. of wetlands for installation of a 15" x 16' driveway culvert and water line to access house lot well site.

**With Conditions:**

1. All work shall be in accordance with plans by Varney Engineering dated 5/1/2009, as received by DES on 7/15/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects that alter less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. No species of concern were reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Northwood Conservation Commission did not report.

**2009-01571 BUTLER, CLARA**  
**NEWINGTON Unnamed Wetland**

**Requested Action:**

Dredge and fill 2,998 sq. ft. of wetlands for construction of a parking lot and building on a disturbed commercial lot.

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**APPROVE PERMIT:**

Dredge and fill 2,998 sq. ft. of wetlands for construction of a parking lot and building on a disturbed commercial lot.

**With Conditions:**

1. All work shall be in accordance with plans by Eckman Engineering dated 6/26/2009, as received by DES on 7/17/2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program, if applicable.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The position of the wetland makes avoidance difficult for reasonable development of the lot.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant has limited encroachment by using retaining walls at the parking lot edge and oriented the project out of the wetland to the degree practicable. The disturbed wetland will be replaced by a detention/rain garden area on the site.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. No species of concern were reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Newington Conservation Commission recommends approval of the project and approves of the rain garden design.
6. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

**2009-01738                      OSSIPPEE, TOWN OF**  
**OSSIPPEE   Unnamed Wetland**

Requested Action:

Dredge and fill 2,998 sq. ft. of wetlands to relocate existing town building and reconfigure improve, and enlarge the associated town parking lot.

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APPROVE PERMIT:

Dredge and fill 2,998 sq. ft. of wetlands to relocate existing town building and reconfigure improve, and enlarge the associated town parking lot.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey, Inc. dated 8/3/2009, as received by DES on 8/4/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The building needs to be relocated to improve its use, and the town needs the associated in-town parking.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The project is confined to the portion of the lot nearest to the town street frontage and is located in the disturbed wetlands adjacent to a railbed.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Ossipee Conservation Commission did not report.

**2009-01805                      WASTE MANAGEMENT OF NH INC**  
**ROCHESTER   Unnamed Wetland**

Requested Action:

Temporarily impact 540 sq. ft. of wetlands to install an effluent force main connecting the facility to the Rochester municipal sewer system.

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APPROVE PERMIT:

Temporarily impact 540 sq. ft. of wetlands to install an effluent force main connecting the facility to the Rochester municipal sewer system.

With Conditions:

1. All work shall be in accordance with plans by Weston and Sampson dated 7/17/2009, as received by DES on 8/10/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. No species of concern were reported by the NH Natural Heritage Bureau as occurring in the project area.
5. The Rochester Conservation Commission did not report.

**2009-02016                      DES DAM BUREAU**  
**MILTON   Milton Three Ponds**

Requested Action:

Impact 944 sq. ft. to repair existing dam abutment at Milton Three Ponds Dam.

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APPROVE PERMIT:

Impact 944 sq. ft. to repair existing dam abutment at Milton Three Ponds Dam.

With Conditions:

1. All work shall be in accordance with plans by NHDES Dam Bureau dated 7/23/2009, as received by DES on 8/28/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

3. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
10. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance or repair of a non-docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The concrete abutment wall is deteriorated and needs repair.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The NH Fish and Game Department reported on 8/19/2009 that impacts to Blandings turtles are not expected as a result of this project.
5. The Milton Conservation Commission did not report.

**2009-02132                      NH DEPT OF TRANSPORTATION**  
**BERLIN   Androscoggin River**

Requested Action:

Repair 10 linear feet of bank (60 sq. ft.) using stone adjacent to Route 16.

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APPROVE PERMIT:

Repair 10 linear feet of bank (60 sq. ft.) using stone adjacent to Route 16. NHDOT project #M106-1.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 1 dated 8/11/09 as received by the Department on Sept. 11, 2009.
2. Any dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).



7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j), project within the right-of-way of a public road not impacting bogs, marshes, sand dunes, tidal wetlands or undisturbed tidal buffer zone, prime wetlands and do not meet the requirements of Rule Env-Wt 303.04(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**FORESTRY NOTIFICATION**

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**2009-01946                      USDA FOREST SERVICE, WHITE MTN NATIONAL FOREST**  
**WENTWORTH   Unnamed Stream**

**2009-02107                      REALTY WORLD OF WESTERN PENNSYLVANIA, TOM SLICK**  
**CHARLESTOWN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Charlestown Tax Map 213, Lot# 28

**2009-02109                      FLACK, WILLIAM & GEORGE**  
**TAMWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Tamworth Tax Map 411, Lot# 17 & 18

**2009-02110                      SCHWAEGLER, BRUCE**  
**ORFORD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Orford Tax Map 8-27, Lot# 5

**2009-02111                      ADAMS, JARVIS**  
**GREENFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Greenfield Tax Map R1, Lot# 34

**EXPEDITED MINIMUM**

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**2009-01159                      BARTER, GRACE**  
**EFFINGHAM   Province Lake**

**Requested Action:**

Stabilize an existing shoreline by placing 31 linear feet of coir logs, adding fill behind the coir logs with native plantings, reconstruct the existing stairs in the bank on Province Lake, Effingham.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Con Com signed Exp Application

**APPROVE PERMIT:**

Stabilize an existing shoreline by placing 31 linear feet of coir logs, adding fill behind the coir logs with native plantings, reconstruct the existing stairs in the bank on Province Lake, Effingham.

**With Conditions:**

1. All work shall be in accordance with plans as received by DES on August 25, 2009.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(m), projects that disturb less than 50 linear feet or shoreline.
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

**2009-01448                      VIENS, DANIEL & LISA FARINA**  
**LISBON   Unnamed Wetland**

**Requested Action:**

Propose to impact 2,819 square feet of wetland for the construction of 15 foot wide access drive to two single family lots. Work in wetlands consists of one wetlands crossing with a 18 inch by 20 feet long culvert.

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**APPROVE PERMIT:**

Impact 2,819 square feet of wetland for the construction of 15 foot wide access drive to two single family lots. Work in wetlands consists of one wetlands crossing with two culverts: one 18 inch by 20 feet long, and one 15 inch by 20 feet long.

**With Conditions:**

1. All work shall be in accordance with plans by Presby Construction, Inc. entitled Driveway Xing Site Plan (sheets 1 and 2 of 2) dated August 24, 2009 as received by DES on August 27, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. All material removed during work activities shall be placed out of DES's jurisdiction.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Project revision added an additional culvert to the wetlands crossing to reduce impacts to the wetland by maintaining the existing hydrological connection.
6. The department received written agreement from the abutter, within twenty feet of the project, concurring with the project.
7. The applicant submitted a copy of a deed conveying a non-exclusive thirty foot (30') wide easement for common driveway and utility access.
8. The Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.
9. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the NH Natural Heritage Bureau.

**2009-01468                      HIATT, JEFFREY**  
**NEWINGTON   Little Bay**

Requested Action:

Impact a total of 546 sq. ft. in the developed upland tidal buffer zone including for 196 sq. ft. of impact for construction of a portion of a garage, and 350 sq. ft. of impact for construction of a portion of driveway.

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APPROVE PERMIT:

Impact a total of 546 sq. ft. in the developed upland tidal buffer zone including for 196 sq. ft. of impact for construction of a portion of a garage, and 350 sq. ft. of impact for construction of a portion of driveway.

With Conditions:

1. All work shall be in accordance with revised plans by Berry Survey and Engineering dated 8/18/2009, as received by DES on 8/21/2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B, and Shoreland Permit 2009-1506, issued by DES on 9/11/2009.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and

mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

6. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously-developed upland areas within 100 feet of the highest observable tide line that are not major or minor, per Env-Wt 303.02 or 303.03, respectively.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposal conforms to the requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by NH Natural Heritage Bureau for the project vicinity.
5. The Newington Conservation Commission signed the expedited application.

**2009-01554                      BURKE, ANN**  
**WARNER    Unnamed Pond**

Requested Action:

Maintenance dredge 1,300 sq. ft. of an existing pond.

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APPROVE PERMIT:

Maintenance dredge 1,300 sq. ft. of an existing pond.

With Conditions:

1. All work shall be in accordance with plans by Carl Sherblom, dated April 14, 2009, and revised through September 01, 2009, as received by the DES Wetlands Bureau on September 02, 2009.
2. All work shall be done in the dry and under dewatered conditions and in frozen or low water conditions.
3. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Machinery shall not be located within surface waters.
6. Machinery shall be staged and refueled in upland areas.
7. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
8. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards.
9. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The proposed dredge shall not expand the pond footprint into areas under the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(k), maintenance dredging of a man-made pond.
2. See related files 1993-00238 and 1996-01350.

3. The Conservation Commission signed the Minimum Impact Expedited Application.
4. No comments were submitted from the NHFG Nongame and Endangered Species Program or the Natural Heritage Bureau.
5. Per a September 15, 2009, phone conversation with the Applicant, dewatering methods are provided on the revised plans, but a pond drain exists and may be utilized for dewatering.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

## AGRICULTURE MINIMUM

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**2009-01082                      ROSA, PAUL**  
**NEWMARKET   Unnamed Wetland Unnamed Stream**

### Requested Action:

Regrade 750 sq. ft. of wet meadow in existing crop field to maintain drainage, and impact 250 sq. ft. of intermittent stream for installation of a 48" x 20' replacement culvert in farm road.

\*\*\*\*\*

Inspection Date: 08/28/2009 by Dori A Wiggin

### APPROVE PERMIT:

Regrade 750 sq. ft. of wet meadow in existing crop field to maintain drainage, and impact 250 sq. ft. of intermittent stream for installation of a 48" x 20' replacement culvert in farm road.

### With Conditions:

1. All work shall be done in accordance with plans by NRCC dated 11/2008, and received by DES on 6/4/2009, with the exception of the culvert size as specified in the permit description. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
2. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
3. This permit shall be recorded with the county Registry of Deeds office by the permittee.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Work shall be done during low flow.

### With Findings:

1. This project meets the criteria for is a minimum impact project per Administrative Rule Env-Wt 303.04(u), for maintenance and improvement of existing crop land.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Rockingham County Conservation District signed the agricultural application.

6. The Newmarket Conservation Commission did not report.

**2009-01556                      LEONARD, RICHARD**  
**NEW DURHAM   Unnamed Wetland**

Requested Action:

Impact 660 sq. ft. of wetlands over three locations (250 sq. ft., 280 sq. ft., and 100 sq. ft.), to install stone fords to maintain access on an existing agricultural farm road.

\*\*\*\*\*

APPROVE PERMIT:

Impact 660 sq. ft. of wetlands over three locations (250 sq. ft., 280 sq. ft., and 100 sq. ft.), to install stone fords to maintain access on an existing agricultural farm road.

With Conditions:

1. All work shall be done in accordance with plans by the Strafford County Conservation District dated 2/25/2008, as received by DES on 7/22/2009. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
2. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
3. This permit shall be recorded with the county Registry of Deeds office by the permittee.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Work shall be done during low flow.

With Findings:

1. This project meets the criteria for is a minimum impact project per Administrative Rule Env-Wt 303.04(u), for maintenance and improvement of existing crop land (sugar maples).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Strafford County Conservation District signed the agricultural application.
6. The New Durham Conservation Commission did not report.

**LAKES-SEASONAL DOCK NOTIF**

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**2009-02167                      TSAKIRIS, DENNIS**  
**WAKEFIELD   Pine River Pond**

COMPLETE NOTIFICATION:  
Wakefield Tax Map 57, Lot# 35 Pine River Pond

## ROADWAY MAINTENANCE NOTIF

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**2009-02141**                      **NH DEPT OF TRANSPORTATION**  
**NEWBURY**   **Unnamed Wetland Unnamed Stream**

COMPLETE NOTIFICATION:  
Maintenance dredge ditch line

## PERMIT BY NOTIFICATION

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**2009-02143**                      **SILVESTRI, ANTHONY**  
**WAKEFIELD**   **Pine River Pond**

Requested Action:  
Repair existing retaining walls.  
\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con Com did not sign PBN form

PBN IS COMPLETE:  
Repair existing retaining walls.

With Findings:  
1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of existing retaining walls with no change in height, length, location, and configuration.

## CSPA PERMIT

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**2009-01200**                      **PHANEOF, JOHN**  
**NEW CASTLE**   **Mill Pond**

Requested Action:  
Impact 615 sq ft for the purpose of constructing a deck over an existing patio with no increase in impervious surface area.  
\*\*\*\*\*

APPROVE PERMIT:

Impact 615 sq ft for the purpose of constructing a deck over an existing patio with no increase in impervious surface area.

With Conditions:

1. All work shall be in accordance with plans by David Calkin dated September 14 , 2009 and received by the Department of Environmental Services ("DES") on September 14, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. All temporary impacts for the purpose of construction shall be replanted with native vegetation upon completion of the proposed project.
4. Any impact within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. There shall be no impervious surface area added to the lot of record or any excavation within the protected shoreland for the purposes of completing the proposed project.
9. No more than 16.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. This permit authorizes the proposed construction, activities as they were found to meet the requirements of RSA 483-B. This permit in no way conveys any form of property right to the permit holder.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
14. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
15. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01275                      ALBANESE, ALEXIS/MICHAEL**  
**SUGAR HILL   Streeter Pond**

Requested Action:

Impact 2,294 sq ft for the purpose of constructing a new 3 bedroom residential dwelling, associated accessory structure and installing a new septic system.

\*\*\*\*\*

APPROVE PERMIT:

Impact 2,294 sq ft for the purpose of constructing a new 3 bedroom residential dwelling, associated accessory structure and installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Alexis Albanese dated November 8, 2007 and received by the Department of Environmental Services ("DES") on September 18, 2009.
2. No more than 2.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 28,050 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 15,978 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain



in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. Silt fencing must be removed once the area is stabilized.

12. This permit is contingent on approval by the DES Subsurface Systems Bureau.

13. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

**2009-01291                      TALCOTT, TRACY**  
**WINDHAM   Cobbetts Pond**

**Requested Action:**

Impact 5320 sq ft for the purpose of replacing an existing non-conforming single-family dwelling within the existing footprint and adding a basement.

\*\*\*\*\*

Inspection Date: 08/07/2009 by Grant E Mecozzi

**APPROVE PERMIT:**

Impact 5320 sq ft for the purpose of replacing an existing non-conforming single-family dwelling within the existing footprint and adding a basement.

**With Conditions:**

1. All work shall be in accordance with plans by Meridian Land Services Inc revised September 21, 2009 and received by the Department of Environmental Services ("DES") on September 22, 2009.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.

4. Any impacts within wetlands, surface waters, or their banks shall require a Wetland Permit under RSA 482-A.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

8. No more than 14.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

9. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in

order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).

10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01650                      A & D HOLDINGS LLC, ALAN & DANIEL WARNER**  
**SWANZEY   Wilson Pond**

**Requested Action:**

Impact 1,434 sq ft for the purpose of expanding an existing driveway and constructing a new retaining wall.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 1,434 sq ft for the purpose of expanding an existing driveway and constructing a new retaining wall.

**With Conditions:**

1. All work shall be in accordance with plans by Forest Designs received by the Department of Environmental Services ("DES") on September 4, 2009.

2. No more than 18.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

3. The project as proposed will leave approximately 11,739 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,587 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. Silt fencing must be removed once the area is stabilized.

12. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

**2009-01829                      NH FISH & GAME DEPT**  
**NEW DURHAM   Merrymeeting Lake**

**Requested Action:**

Impact 14983 sq ft for the purpose of regrading an existing parking area and installing a level spreader.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 14983 sq ft for the purpose of regrading an existing parking area and installing a level spreader.

**With Conditions:**

1. All work shall be in accordance with plan sheets 1 and 4 by Fay, Spofford & Thorndike LLC dated July 17, 2009 and received by the Department of Environmental Services ("DES") on September 18, 2009.
2. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. No more than 17.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 8589 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01869                      GUTHRO FAMILY TRUST, JOHN & CHRISTINE GUTHRO**  
**GILFORD   Lake Winnepesaukee**

**Requested Action:**

Impact 1797 sq ft for the purpose of constructing a concrete foundation under an existing single-family dwelling and relocating an existing walkway.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 1797 sq ft for the purpose of constructing a concrete foundation under an existing single-family dwelling and relocating an existing walkway.

**With Conditions:**

1. All work shall be in accordance with plans by Watermark Planning & Permits revised September 15, 2009 and received by the Department of Environmental Services ("DES") on September 17, 2009.
2. All proposed work within the waterfront buffer shall be completed by hand tools as specified in the approved plans.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

7. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (i).

8. No more than 32.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01895                      FORGET, ROBERT & VIRGINIA**  
**MIDDLETON   Sunrise Lake**

**Requested Action:**

Impact 2748 sq ft to construct frost walls and concrete supports under an existing house.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 2748 sq ft to construct frost walls and concrete supports under an existing house.

**With Conditions:**

1. All work shall be in accordance with plans by Norway Plains Associates, Inc dated August 2009 and received by the Department of Environmental Services ("DES") on August 24, 2009.

2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.

2. No more than 23.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

3. At least 1926 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-01896                      SCAMMAN FAMILY CAMP TRUST**  
**BARRINGTON   Swains Lake**

Requested Action:

Impact 1,030 sq ft for the purpose of installing a new holding tank.

\*\*\*\*\*

APPROVE PERMIT:

Impact 1,030 sq ft for the purpose of installing a new holding tank.

With Conditions:

1. All work shall be in accordance with plans by David Vincent, LLS., dated August 14, 2009 and received by the Department of Environmental Services ("DES") on August 21, 2009.
2. No more than 10.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. This permit is contingent on approval by the DES Subsurface Systems Bureau.

**2009-01898                      RUSSO, RICHARD**  
**WAKEFIELD   Pine River Pond**

Requested Action:

Impact 2144 sq ft for the purpose of constructing an addition and a deck onto an existing single-family dwelling.

\*\*\*\*\*

APPROVE PERMIT:

Impact 2144 sq ft for the purpose of constructing an addition and a deck onto an existing single-family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Kerry Fox dated August 13, 2009 and received by the Department of Environmental Services ("DES") on August 21, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. No more than 15.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 3100 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2800 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01922 CALVO, JILL/JOSE**  
**GOFFSTOWN Glen Lake**

Requested Action:

Impact 60 square feet to install a 6 x 10 foot addition to an existing structure.

\*\*\*\*\*

APPROVE PERMIT:

Impact 60 square feet to install a 6 x 10 foot addition to an existing structure.

With Conditions:

1. All work shall be in accordance with plans by Jose Calvo dated August 26, 2009 and received by the Department of Environmental Services ("DES") on August 26, 2009.
2. No more than 7.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 13,856 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,928 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain unaltered state in order to comply with RSA 483-B:9,V,(b),(2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-01929 AMALFITANO FAMILY TRUST, MICHAEL AMALFITANO TTEE**  
**GILFORD Lake Winnepesaukee**

Requested Action:

Impact 300 sq ft for the purpose of replacing two existing heating oil tanks.

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**APPROVE PERMIT:**

Impact 300 sq ft for the purpose of replacing two existing heating oil tanks.

**With Conditions:**

1. All work shall be in accordance with plans by Watermark Planning and Permits dated August 11, 2009 and received by the Department of Environmental Services ("DES") on August 27, 2009.
2. No more than 36.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.

**2009-01931                      MACMEEKIN, DONALD & MEDORA**  
**ENFIELD   Mascoma Lake**

**Requested Action:**

Impact 2360 sq ft for the purpose of constructing a gravel driveway.

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**APPROVE PERMIT:**

Impact 2360 sq ft for the purpose of constructing a gravel driveway.

**With Conditions:**

1. All work shall be in accordance with plans by Harold Rowe Jr. dated August 26, 2009 and received by the Department of Environmental Services ("DES") on August 26, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (i).
7. No more than 5.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional

approval is obtained from DES.

8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01965                      NEW CASTLE REALTY TRUST, MILDRED ANDERSON TTEE**  
**RYE   Atlantic Ocean**

**Requested Action:**

Impact 20,901 sq ft for the purpose of constructing a new conforming, primary structure and associated accessory structures.

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**APPROVE PERMIT:**

Impact 20,901 sq ft for the purpose of constructing a new conforming, primary structure and associated accessory structures.

**With Conditions:**

1. All work shall be in accordance with plans submitted by NHSC, Inc., created by TMS Architects, dated August 24, 2009, and received by the Department of Environmental Services ("DES") on August 28, 2009.
2. No more than 19.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 0.0 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 9,324 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. This permit is contingent on approval by the DES Subsurface Systems Bureau.

**2009-01966                      RIGBY, JOHN**  
**WASHINGTON   Millen Pond**

**Requested Action:**

Impact 5,500 sq ft for the purpose of constructing a new, conforming, primary structure and associated accessory structures.



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**APPROVE PERMIT:**

Impact 5,500 sq ft for the purpose of constructing a new, conforming, primary structure and associated accessory structures.

**With Conditions:**

1. All work shall be in accordance with plans by Roger Cullen of Thunder Mountain Construction and received by the Department of Environmental Services ("DES") on August 28, 2009.
2. No more than 14.54% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 6,204 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,079 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. This permit is contingent on approval by the DES Subsurface Systems Bureau.
13. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

**2009-01967                      LANGTRY, RICK & CHARLENE**  
**WASHINGTON   Highland Lake**

**Requested Action:**

Impact 352 sq ft for the purpose of adding a deck to an existing, nonconforming, primary structure.

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**APPROVE PERMIT:**

Impact 352 sq ft for the purpose of adding a deck to an existing, nonconforming, primary structure.

**With Conditions:**

1. All work shall be in accordance with plans by Mr. and Mrs. Langtry dated August 18, 2009, and received by the Department of Environmental Services ("DES") on August 28, 2009.
2. No more than 11.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.

**2009-01980                      BATES, RONLEY & KATHRYN**  
**NEW DURHAM   Merrymeeting Lake**

Requested Action:

Impact 600 sq ft for construction of carport.

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APPROVE PERMIT:

Impact 600 sq ft for construction of carport.

With Conditions:

1. All work shall be in accordance with plans by Norways Plains Associates, Inc. dated August 26, 2009 and received by the Department of Environmental Services ("DES") on September 1, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 18.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 5,800 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,900 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-01981                      ROBINSON, DANIEL**  
**ANTRIM   Gregg Lake**

Requested Action:

Impact 200 sq ft for proposed porch.

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**APPROVE PERMIT:**

Impact 200 sq ft for proposed porch.

**With Conditions:**

1. All work shall be in accordance with plans by Daniel Robinson dated August 27, 2009 and received by the Department of Environmental Services ("DES") on September 1, 2009.
2. No more than 8.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,401 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,163 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-01983                      SLOPE N SHORE CLUB INC**  
**NEW LONDON   Pleasant Lake**

**Requested Action:**

Impact 16320 sq ft in the removal of two existing tennis courts to be replaced in same location and size.

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**APPROVE PERMIT:**

Impact 16320 sq ft in the removal of two existing tennis courts to be replaced in same location and size.

**With Conditions:**

1. All work shall be in accordance with plans by Pierre J. Bedard, and Assoc. dated July 13, 2009 and received by the Department of Environmental Services ("DES") on September 1, 2009.
2. No more than 23.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 24,580 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 24,580 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-01986                      WASHINGTON, TOWN OF**  
**WASHINGTON   Island Pond**

Requested Action:

Impact 305 sq ft for the purpose of upgrading an existing dam culvert.

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APPROVE PERMIT:

Impact 305 sq ft for the purpose of upgrading an existing dam culvert.

With Conditions:

1. All work shall be in accordance with plans by Darrow Civil Engineering received by the Department of Environmental Services ("DES") on August 31, 2009.
2. No more than 19.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project, as proposed, will leave approximately 12,809 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. This permit is contingent upon all necessary approvals for impacts jurisdictional under RSA 482-A.

**2009-02014                      RACZKA, NANCY**  
**ATKINSON   Island Pond**

Requested Action:

Impact 7,585 sq ft to raze an existing non-conforming primary structure and construct a new primary structure.

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APPROVE PERMIT:

Impact 7,585 sq ft to raze an existing non-conforming primary structure and construct a new, conforming primary structure.

With Conditions:

1. All work shall be in accordance with plans by James M. Lavelle Assoc., LLC dated September 2009 and received by the Department of Environmental Services ("DES") on September 3, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas to remain

unaltered.

3. No more than 16.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 3479 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2587 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All actions associated with the installation of any proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02036                      EGSGARD, LYN**  
**HEBRON   Newfound Lake**

Requested Action:

Impact 1,900 sq ft to add a 25 ft x 25 ft addition and a 10 ft x 15 ft screened porch to an existing house and partially remove an old shed.

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APPROVE PERMIT:

Impact 1,900 sq ft to add a 25 ft x 25 ft addition and a 10 ft x 15 ft screened porch to an existing house and partially remove an old shed.

With Conditions:

1. All work shall be in accordance with plans by George Longo dated September 1, 2009 and received by the Department of Environmental Services ("DES") on September 4, 2009.
2. No more than 6.07% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 15,581 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 8,614 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02037                      EPPING WATER & SEWER COMMISSION**  
**EPPING   Lamprey River**

Requested Action:

Impact 2,850 sq ft to construct a new pump station with driveway further from the river than the existing pump station that is to be removed.

\*\*\*\*\*

APPROVE PERMIT:

Impact 2,850 sq ft to construct a new pump station with driveway further from the river than the existing pump station that is to be removed.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers dated September 1, 2009 and received by the Department of Environmental Services ("DES") on September 4, 2009.
2. No more than 9.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 1,825 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2009-02039                      SCHMID, DIETER**  
**NASHUA   Lovewell Pond**

Requested Action:

Impact 4,613 sq ft for the construction of a detached garage with a gravel access drive.

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APPROVE PERMIT:

Impact 4,613 sq ft for the construction of a detached garage with a gravel access drive.

With Conditions:

1. All work shall be in accordance with plans by Edward N. Herbert Assoc. Inc. dated August 1, 2009 and received by the Department of Environmental Services ("DES") on September 4, 2009.
2. No more than 8.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 2,052 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation

action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

## CSPA PERMIT W/VARIANCE

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**2009-01784                      LOWRIE, MATTHEW & KATHERINE**  
**SUNAPEE    Lake Sunapee**

### Requested Action:

Impact 21,000 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures.

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### APPROVE PERMIT:

Impact 21,000 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures.

VARIANCE APPROVED: RSA 483-B:9, V(b)(2)(A)(i) is varied to allow an area within the natural woodland buffer greater than that required to be temporarily altered.

### With Conditions:

1. All work shall be in accordance with plans by Pellettieri Associates, Inc., last revised August 12, 2009, and received by the Department of Environmental Services ("DES") on August 13, 2009.
2. This approval includes a variance of RSA 483-B:9, V(b)(2)(A)(i) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 22.56% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
5. The project as proposed will leave approximately 1,535 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,051 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Upon completion of the project, areas of natural woodland buffer will be allowed to revert to an unaltered state so that the net unaltered area of the natural woodland buffer will be at least 1,535 sq ft.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

14. Silt fencing must be removed once the area is stabilized.
15. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.

With Findings:

1. The applicant or their designated agent hereby request a variance of RSA 483-B:9 V(A)(i) for the purpose of constructing a new residential dwelling and new driveway that will disrupt an area of the natural woodland buffer greater than that required.
2. The literal enforcement of the standard would result in an unnecessary hardship as the natural woodland buffer impacted for the completion of the proposed project is necessary for the construction of a safer, less prone to concentrating runoff driveway on an exceptionally steep slope.
3. Granting the variance will not result in the diminution in the value of the surrounding properties as upon completion of the proposed project areas of the natural woodland buffer will be allowed to revert to an unaltered state so that the sum unaltered state area will equal that existing prior to construction.
4. Granting the variance will not be contrary to the spirit to RSA 483-B as stormwater management techniques will be implemented to effectively absorb and infiltrate stormwater associated with the projects proposed impervious areas.
5. Granting the variance will do substantial justice as the project will provide the same or greater degree protection than those that currently existing by replanting all temporary impacts associated with the proposed project with native vegetation.

**2009-01914                      FAY REVOC TRUST, ROBERT**  
**LACONIA   Lake Winniesaukee**

Requested Action:

Impact 1,474 sq ft for the purpose of expanding an existing nonconforming structure.

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APPROVE PERMIT:

Impact 1,474 sq ft for the purpose of expanding an existing nonconforming structure.

VARIANCE APPROVED: RSA 483-B:9, V(g)(1) is varied to allow the expansion of a primary structure on a lot within the protected shoreland that exceeds 30% impervious surface coverage.

With Conditions:

1. All work shall be in accordance with plans by Watermark Planning and Permits, dated August 20, 2009 and received by the Department of Environmental Services ("DES") on August 25, 2009.
2. This approval includes a variance of RSA 483-B:9, V(g)(1) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded variance is sent to the department by certified mail, return receipt requested.
3. No more than 39.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control



Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The Applicant has requested a variance of RSA 483-B:9, V(g)(1) and RSA 483-B:9, V(g)(2) for the purpose of expanding an existing nonconforming structure.
2. The literal enforcement of the standards would result in an unnecessary hardship as the small size of the lot would preclude the applicant from installing any new, modern, energy-efficient mobile home on this residential lot.
3. The literal enforcement of the standards would result in an unnecessary hardship as the nature of the lot does not lend itself well to installing stormwater techniques and doing so may result in property damage.
4. Granting the variance will not result in the diminution in the value of the surroundings as the new structure will be more aesthetically pleasing and only increases the size of the former structure by 219 sq ft.
5. Granting the variance will not be contrary to the spirit to RSA 483-B as there will be no affect to surrounding surface waters.
6. Granting the variance will do substantial justice as the project will provide the same degree of protection to adjacent surface waters and will allow the property owner fair and reasonable use of an exceptionally small lot within the protected shoreland.

**CSPA PERMIT W/WAIVER**

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**2009-00300                      CONTI, STEVEN**  
**SALEM    Arlington Pond**

Requested Action:

Impact 4,325 sq ft to expand an existing nonconforming residential structure.

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Inspection Date: 06/10/2009 by Raymond M Reimold

DENY PERMIT:

Impact 4,325 sq ft to expand an existing nonconforming residential structure.

With Findings:

Standards for Approval

1. In accordance with RSA 483-B:9, V, (g), (2), projects which will result in impervious surface areas exceeding 20 % of the total lot area within protected shorelands shall submit a stormwater management system designed to infiltrate the increased stormwater shall be implemented and maintained.
2. In accordance with RSA 483-B:9, V, (g), (3)[formerly (2)], projects which will result in impervious surface areas exceeding 20 % of the total lot area within protected shorelands where there is less than the required tree and sapling score in any segment of the waterfront buffer shall be required to restore each segment to the functional equivalent of the required tree and sapling point score.

Findings of Fact

1. On February 23, 2009, DES received an application for impacts associated with the expansion of a non-conforming primary structure on property identified as Salem tax map 35, lot 5437 (the Property), adjacent to Arlington Pond.
2. The Property has approximately 100 ft of shoreline frontage. Neither of the 50 ft waterfront buffer segments has sufficient trees

and sapling points to meet the minimum score required under RSA 483-B:9, V, (a),(2),(D).

3. The Application worksheet submitted with the project indicated that the existing impervious surfaces covered 13.4% of the lot and that the post construction coverage would be 19.9% of the lot.
4. On March 11, 2009, DES issued a More Information Request letter asking for details related to the planting of vegetation as part of the more nearly conforming proposal required pursuant to RSA 483-B:11, II
5. On May 8, 2009, DES received revised plan for the project. the submittal did no include a revised Application Worksheet reflecting the changes to the project and did not include the requested planting details.
6. On May 18, 2009, DES issued a More Information Request letter asking for, among other things, the revised Application Worksheet reflecting the changes on the revised plan and the planting details previously requested on March 11, 2009.
7. On June 11, 2009, DES notified the Applicant in writing that the field inspection of the property on June 10, 2009 found that the plans submitted did not accurately portray the impervious surfaces on the property. The letter stated that accurate plans and an accompanying Application Worksheet must be submitted by September 11, 2009.
8. On August 11, 2009, DES received revised plans and a revised Worksheet which stated that the post-construction impervious surfaces would cover 20% on the area of the lot. The plans indicated that existing retaining walls might be removed from the property but failed to show how the exposed soils would be stabilized. Review of the impervious surface calculations found the proposed impervious surface coverage would be approximately 20.05%.
9. On August 12, 2009, DES notified the Applicant in writing of the discrepancy found in the impervious surface calculations and requested the planting plan for the planting of the waterfront buffer and a stormwater management plan.
10. On September 1, 2009, DES received revised plans and a revised Worksheet stating the final impervious coverage would be 19.9%. The plans indicated that all retaining walls would remain in place, however the Worksheet indicated the area of the walls would be reduced.
11. Measurement of the area of the proposed primary structure as shown on the plan found it would be approximately 2,480 sq ft in size, whereas the Application worksheet indicates that the structure will cover only 2,460 sq ft.

#### Rulings in Support of the Decision

1. The Applicant has failed to submit plans and an Application Worksheet that accurately depict the impacts of the proposed project.
2. The proposed impervious surface coverage will exceed 20% of the area of the lot. The Applicant has failed to provide the stormwater management system and waterfront buffer plans requires pursuant to RSA 483-B:9, V, (g), (2) and (3), and therefore, the application is denied.

**2009-00753                      52 WOODLAND PROPERTIES LLC**  
**ALTON   Lake Winnepesaukee**

#### Requested Action:

Applicant proposes a reduction in area of the proposed addition in order to meet Alton ZBA approval.

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Inspection Date: 06/02/2009 by Raymond M Reimold

#### APPROVE AMENDMENT:

AMEND PERMIT TO READ: Impact 3,370 sq ft to repair sections of the foundation of an existing nonconforming structure, construct a 15 ft X 13.5 ft addition, remove existing detached garage and shed, reconfigure existing drive, remove portion of deck extending over the bank, and convert a deck into a screened-in porch.

WAIVER APPROVED: RSA 483-B:9,II,(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback

#### With Conditions:

1. No new impervious surfaces shall be constructed until 1.7 ft of the deck is removed.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This approval includes a Waiver of RSA 483-B:9,II,(b) and, therefore, shall not be effective until it has been recorded at the

Belknap County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.

4. All work shall be in accordance with plans by Ames Associates revised September 4, 2009 and received by the Department of Environmental Services ("DES") on September 4, 2009.
5. No more than 33.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
6. The project as proposed will leave approximately 1,560 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,074 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in a decrease in impervious surfaces from 35.5% to 33.0%.
4. The applicant has proposed to remove a shed and a portion of the existing driveway in the waterfront buffer, use pervious technologies, and plant native vegetation, remove a drainage pipe that discharges directly into the Lake, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2009-01470                      CANOBIE LAKE PARK CORP**  
**SALEM   Canobie Lake**

Requested Action:

Impact 3206 sq ft for the purpose of constructing an addition onto an existing structure, a second story deck over an existing patio, converting an existing patio and pergola to pervious pavers and installing an infiltration trench.

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APPROVE PERMIT:

Impact 3206 sq ft for the purpose of constructing an addition onto an existing structure, a second story deck over an existing patio, converting an existing patio and pergola to pervious pavers and installing an infiltration trench.

WAIVER APPROVED: Pursuant to RSA 483-B:11 II, RSA 483-B:9,II is hereby waived to allow construction of the proposed project within the Setback.

With Conditions:

1. All work shall be in accordance with plan sheet 3 by SFC Engineering Partnership Inc. revised August 24, 2009 and received by the Department of Environmental Services ("DES") on August 31, 2009.
2. This approval includes a waiver of RSA 483-B:9,II and, therefore, shall not be effective until it has been recorded at the

Rockingham County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.

3. There shall be no increase of impervious surface area on the lot of record for the purposes of completing the proposed project.
4. All pervious technologies and stormwater management systems shall be installed in accordance with the approved plans prior to the expansion of the existing, non-conforming structure.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. No more than 35.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Canobie Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in the increase in footprinting of an existing non-conforming structure.
4. The applicant has proposed to install an infiltration trench and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2009-01695**

**CARSON FAMILY TRUST, JOHN & CAROLYN CARSON**

**MEREDITH Lake Winnepesaukee**

Requested Action:

Impact 3,285 sq ft for the purpose of expanding an existing nonconforming primary structure.

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APPROVE PERMIT:

Impact 3,285 sq ft for the purpose of expanding an existing nonconforming primary structure.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates, dated July 28, 2009 and received by the Department of Environmental Services ("DES") on August 6, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 26.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
5. The project as proposed will leave approximately 2,790 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,715 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
15. All stormwater controls shall be designed and maintained to effectively absorb and infiltrate stormwater.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to enhance the natural woodland buffer with fourteen flowering, berry-bearing, native, woody shrubs.
4. The applicant has proposed to install stormwater controls consisting of 1 foot deep x 2 feet infiltration trenches under the drip line of the existing and proposed structures.
5. The applicant has proposed to install stormwater controls and significantly enhance the existing natural woodland buffer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2009-01713**                      **CARTER, MICHELE**  
**GILFORD Lake Winnepesaukee**

Requested Action:

Impact 794 sq ft for the purpose of replacing and relocating an existing single-family dwelling with no expansion in footprint.

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**APPROVE PERMIT:**

Impact 794 sq ft for the purpose of replacing and relocating an existing single-family dwelling with no expansion in footprint.

**WAIVER APPROVED:** RSA 483-B:9, V(g)(1) is waived to allow the relocation of existing structures on property that exceeds the maximum percentage of impervious coverage.

**With Conditions:**

1. All work shall be in accordance with plans by Morgan Carter dated August 7, 2009 and received by the Department of Environmental Services ("DES") on August 7, 2009.
2. This approval includes a waiver of RSA 483-B:9, V(g)(1) and, therefore, shall not be effective until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. No portion of the proposed structure shall be constructed within the primary building setback in order to conform with RSA 483-B:9, II(b).
5. No more than 30.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
6. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**With Findings:**

1. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
2. The project as proposed would result in changing the footprint of a structure with no expansion in footprint.
3. The applicant has proposed to move the structure farther away from the reference line, and install infiltration trenches and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2009-01719                      HOGAN, MICHAEL & BELINDA WHITMORE**  
**SUNAPEE   Ledge Pond**

**Requested Action:**

Impact 2,160 sq ft for the purpose of constructing a new porch and deck.

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**APPROVE PERMIT:**

Impact 2,160 sq ft for the purpose of constructing a new porch and deck.

**WAIVER APPROVED:** RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the

primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Clayton Platt, Pennyroyal Mill Land Surveying, dated August 3, 2009 and received by the Department of Environmental Services ("DES") on August 17, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 19.82% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project includes complete removal of an existing out house.
5. The project as proposed will leave approximately 6,770 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,122 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Silt fencing must be removed once the area is stabilized.
13. All stormwater controls will be designed and maintained to effectively absorb and infiltrate stormwater.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Ledge Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install stormwater controls consisting of a level spreader, drainage swail and rain garden that will treat all existing and proposed stormwater runoff.
4. The applicant has proposed to plant at least 8 high-bush, native blueberry bushes along the shoreline.
5. The applicant has proposed to install stormwater controls, install a new septic system, and reduce the total amount of impervious surface coverage within the waterfront buffer by approximately 263 sq ft, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2009-01839**                      **SKULLY, JAMES**  
**SALEM**   Millville Pond

Requested Action:

Impact 2,880 sq ft for the purpose of expanding an exiting nonconforming structures .

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DENY PERMIT:

Impact 2,880 sq ft for the purpose of expanding an exiting nonconforming structures .

With Findings:

Standards for Approval

1. Pursuant to RSA 483-B:3, Consistency Required, "State and local permits shall be issued only when consistent with the policies of this chapter."
2. Pursuant to RSA 483-B:11, II, "When reviewing requests for the redevelopment of sites that contain nonconforming structures, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to public waters."
3. In accordance with RSA 483-B:11, II, "More nearly conforming means a proposal for significant changes to the location or size of existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

Findings of Fact

1. The Applicant is the owner of an approximately 0.29 acre lot within the protected shoreland of Millville Pond, more particularly identified as Salem tax map 66, lot 2698 (the "Property")
2. The existing 2,253 sq ft structure is partially located within the waterfront buffer and is, therefore, a non-conforming structure.
3. On August 18, 2009 the Department of Environmental Services received a request for a waiver of RSA 483-B:9, II(b) to expand the footprint of an existing nonconforming structure, resulting in an increase in the area of the lot within the protected shoreland composed of impervious surfaces from 31.5% to 32.3%.
4. The project as proposed would change the footprint of an existing nonconforming structure that does not meet the 50 ft setback required per RSA 483-B:9(II)(b).
5. The project as proposed would increase the impervious area of an existing nonconforming structure that does not meet the impervious surface limitation established within RSA 483-B:9, V(g)(1).

Ruling in Support of the Decision

1. The issuance of a waiver to increase impervious surfaces from 31.5% to 32.3% would not be permissible under RSA 483-B:9(V)(g)(1) and, would not be consistent with the intent of RSA 483-B.
2. The proposed project would not provide at least the same level of protection to adjacent surface waters and would not more nearly conform to the intent of the act, and therefore, fails to meet the criteria for a waiver as established in RSA 484 B:11, II.
3. In accordance with RSA 483-B:3, the request for a permit including a waiver of RSA 483-B:9 is denied.